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5
6 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
7

8 JOHN J. JULIAN, SR.,

Plaintiff,

CASE NO.

9
10 v.

11 EXPERIAN INFORMATION
SOLUTIONS, INC.,

JURY DEMANDED

12 Defendant.
13

14 COMPLAINT

15 JURISDICTION

16 1. The jurisdiction of this Court attains pursuant to the FCRA, 15 U.S.C. Section
17 1681(p), and the doctrine of supplemental jurisdiction. Venue lies in the Southern Division
18 of the Judicial District of Nevada as Plaintiff's claims arose from acts of the Defendant
19 perpetrated therein.

20 PRELIMINARY STATEMENT

21 2. The Plaintiff brings this action for damages based upon Defendant's
22 violations of the Fair Credit Reporting Act, 15 U.S.C § 1681 *et seq.* (hereinafter referred
23 to as "FCRA"), and of state law obligations brought as supplemental claims.

24 3. Plaintiff is a natural person and is a resident and citizen of the State of
25 Nevada and of the United States. Plaintiff is a "consumer" as defined by § 1681a(c) of the
26 FCRA.

27 4. The Defendant Experian Information Solutions, Inc. ("Experian") is a
28 corporate entity licensed to do business in the State of Nevada.

5. Experian is a consumer reporting agency, as defined in § 1681(f) of the
FCRA, regularly engaged in the business of assembling, evaluating, and dispersing

1 information concerning consumers for the purpose of furnishing consumer reports, as
2 defined in § 1681a(d) of the FCRA, to third parties.

3 FACTUAL ALLEGATIONS

4 6. Plaintiff's creditworthiness has been repeatedly compromised by the acts,
5 obduracy and general indifference of the Defendant.

6 7. On July 22, 2005, Plaintiff disputed erroneous information contained on his
7 credit profile (Exhibit 1).

8 8. The dispute reflected Defendant's failures under FCRA § 1681e(b).

9 9. Defendant had reported substantial negative information on Plaintiff's report.

10 10. This information was not his.

11 11. Plaintiff thoroughly documented his dispute including an October 2, 2003
12 state lawsuit.

13 12. The very first account disputed by Plaintiff was a collection account assigned
14 to Credit Bureau Central.

15 13. Defendant ignored Plaintiff's dispute of the CBC account (Exhibit 2) thusly
16 violating FCRA § 1681i.

17 STATEMENT OF CLAIM AS AGAINST DEFENDANT

18 14. In the entire course of its action, Defendant willfully and/or negligently violated
19 the provisions of the FCRA in the following respects:

20 a. By willfully and/or negligently failing, in the preparation of the
21 consumer reports concerning Plaintiff, to follow reasonable
22 procedures to assure maximum possible accuracy of the information
23 in the reports.

24 b. By willfully and/or negligently failing to comport with FCRA § 1681i.

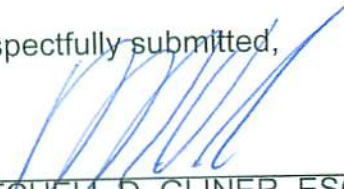
25 PRAYER FOR RELIEF

26 THEREFORE, Plaintiff prays that the court grant the following relief as against
27 Defendant:

28 a. actual damages;

- b. punitive damages;
- c. attorney's fees; and
- d. costs.

Respectfully submitted,



MITCHELL D. GLINER, ESQ.
Nevada Bar #3419
3017 West Charleston Boulevard
Suite 95
Las Vegas, Nevada 89102
Attorney for Plaintiff

EXHIBITS

July 22, 2005

Experian Information Solutions, Inc.
Attn: NCAC
701 Experian Parkway
Allen, Texas 75013

Re: John J. Julian, Sr./Credit Dispute

Dear Sir/Madam:

This letter is a dispute. I enclose an excerpt from my recent three bureau file. I also enclose a front/back copy of my Nevada Driver License.

I provide my personal information: spouse: Janniece; present address: 9360 West Flamingo Road, #110-324, Las Vegas, Nevada 89147; previous address: 9788 Pima Point Avenue, Las Vegas, Nevada 89147; SSN: ; year of birth: 1947.

The accounts attributed to Credit Bureau Central (pages 2-3), Stassinis Law Offices (page 3) and American Agencies (page 3) are not mine. I believe they belong to my son, John J. Julian, Jr. Please do not verify simply on the basis that my son's name mirrors my own.

Similarly, the multiple judgments attributed by Trans Union are not mine. I am virtually certain they belong to my son, so please do delete the same. My son has advised his Social Security Number is: . In any event, these judgments are absolutely not mine.

I also request the deletion of the Chase NA and Capital One accounts bracketed on page 5 of my three bureau report. I have never signed any application for these cards. Nor, have I ever used or consented to their use. I ask you not to verify these accounts unless you obtain a copy of an application signed by me. My wife, Janniece, and I are unfortunately estranged. I believe she may have fraudulently used my information in order to acquire these cards. You will note that neither of the two accounts are delinquent; however, they are just not mine and the balances are adversely impacting upon my FICO score.

The Bank of the West account (page 6) is paid off. Please show a zero balance. Likewise, my FTB mortgage (page 4) was paid off last month. Please report a zero balance here as well.

Last, I enclose the October 2, 2003 lawsuit filed on my behalf by attorney Robert Massi. Mr. Massi is a national consultant for Fox News. The Complaint details a comedy of errors. To briefly summarize, I refinanced - or attempted to refinance - my Las Vegas home. The note was held by Ocwen Mortgage (page 2). The title company, Fidelity National, paid off the wrong home. Ocwen's paper was then acquired by Franklin Loan Services who assigned it to Saxon Mortgage (page 3).

EXHIBIT I

Experian Information Solutions, Inc.
July 22, 2005
Page two

Ultimately, Ocwen wasn't paid off by Fidelity until last year and Saxon Mortgage is reporting delinquencies on my Experian profile. Please delete the entire delinquent payment history erroneously attributed to both of these mortgages - that is, both Ocwen and Saxon.

Thank you.

JOHN J. JULIAN, SR.

Encs

experian

Prepared for
JOHN J. JULIAN, Sr.
Report number
1179170705

Report date
August 23, 2005

Page 3 of 20

Correction Summary

About our verification process

The following shows the revision(s) made to your file as a result of our verification.

If you still question an item, then you may want to contact the source of the information.

The federal Fair Credit Reporting Act states that you may:

- request a description of how we verified the information, including the business name and address contacted and the telephone number if reasonably available;
- add a statement disputing the accuracy or completeness of the information; and
- request that we send these results to organizations who have reviewed your credit report in the past two years for employment purposes or six months for any other purpose (twelve months for residents of Colorado, Maryland, and New York).

If no information follows, our response appeared on the previous page.

Items we investigated

Items	Outcome
Credit items	
CAP ONE BK 546630183727....	Deleted
CHASE 549104339900....	Deleted
FTB MORTGAGE 481001667....	Deleted
STASSINOS LAW OFFICES 102....	Deleted
CREDIT BUREAU CENTRAL 9A216....	Updated

Personal information

Name	Updated
Social Security Number	Updated
Date of birth	Updated
Spouse name	Updated

Experian
NCAC
PO BOX 9701
Allen TX 75013

If you have questions

Locate your Report Number, then contact us **within 90 days** from the date on this report.

For efficient, self-directed service, log on to www.experian.com/disputes.

For assistance, call **800 509 8495**

Dispute services are available 24 hours a day.

To order a copy of your **Experian Credit Score**, call **1 888 322 5583**.

Protect and manage your credit with **Credit Manager**, www.creditexpert.com

By law, we cannot disclose certain medical information (relating to physical, mental, or behavioral health or condition). Although we do not generally collect such information, it could appear in the name of a data furnisher (i.e., "Cancer Center") that reports your payment history to us. If so, those names display in your report, but in reports to others they display only as MEDICAL PAYMENT DATA. Consumer statements included on your report at your request that contain medical information are disclosed to others.

EXHIBIT 2





Prepared for
JOHN J JULIAN Sr
Report number
1179170705

Report date
August 23, 2005
www.experian.com/disputes
Call 800 509 8495

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Information affecting your creditworthiness

Items listed with dashes before and after the number, *for example* --1--, may have a potentially negative effect on your future credit extension and are listed first on the report.

Credit grantors may carefully review the items listed below when they check your credit history. Please note that the account information connected with some public records, such as bankruptcy, also may appear with your credit accounts listed later in this report.

Credit items

Source/ Account number (except last few digits)	Date opened/ Reported since	Date of status/ Last reported	Type/ Terms/ Monthly payment	Responsibility	Credit limit or original amount/ High balance	Recent balance/ Recent payment	Status Details
--1-- CREDIT BUREAU CENTRAL PO BOX 29299 LAS VEGAS NV 89126 9A2166790	4-2003/ 7-2003	7-2003/ 8-2005	Installment/ NA/ \$0	Individual	\$697 / NA	\$343 as of 8-2005/	Status: Collection account. \$343 past due as of Aug 2005. Account history: Collection as of Aug 2005, Mar 2004, Sep 2003, Jul 2003 This item was verified and updated on Aug 2005.
Original creditor: COX COMMUNICATIONS							
--2-- DISCOVER FINANCIAL SVCS PO BOX 15316 WILMINGTON DE 19850 (800) 347-2683 601100967020....	10-1999/ 1-2000	8-2005/ 8-2005	Revolving/ NA/ \$506	Individual	\$23,400 / \$25,056	\$22,764 as of 8-2005/	Status: Closed/Past due. \$1,367 past due as of Aug 2005. Account history: 90 days as of Jul 2005 60 days as of Aug 2005, Jun 2005 30 days as of May 2005, Jul 2002 Creditor's statement "Account closed at credit grantor's request."

